UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARBARA FLETCHER, *et al*.,

Plaintiffs,

Case No. 3:16-cv-302

v.

JUDGE WALTER H. RICE

HONEYWELL INTERNATIONAL INC.,
Defendant.

______________________________________/

STIPULATED ORDER REGARDING JURY DEMAND

Plaintiffs filed a jury demand in this collectively-bargained retiree healthcare class action brought under Section 301 of the Labor Management Relations Act (LMRA), 29 U.S.C. §185 and Section 502 of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. §1132. Defendant objects to the jury demand.

As the parties acknowledge, the Sixth Circuit holds that the Seventh Amendment to the U.S. Constitution does not provide the right to a jury trial in such cases. See, *e.g.*, *Golden v. Kelsey-Hayes Co.*, 73 F.3d 648, 658-662 (6th Cir. 1996) and *Reese v. CNH America, LLC*, 574 F.3d 315, 327-328 (6th Cir. 2009).

Plaintiffs recognize that this Court is bound to apply Sixth Circuit precedent. They seek to avoid unnecessary briefing and proceedings on the jury trial issue, and also seek to preserve the issue for any potential appeal.

Accordingly, the Court applies Sixth Circuit precedent—see, *e.g.*, *Golden v. Kelsey-Hayes Co.*, 73 F.3d 648, 658-662 (6th Cir. 1996)—and holds that there is no right to a jury trial in this action, and that the issue is preserved for any potential appeal.

Dated: November 29, 2016

WALTER H. RICE
UNITED STATES DISTRICT JUDGE

Stipulated:

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